

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BECKLEY DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 5:14-cr-00244

DONALD L. BLANKENSHIP,

Defendant.

CRIMINAL SCHEDULING ORDER

On the 17th day of December, 2014, came the Defendant, Donald L. Blankenship, in person and by counsel, William W. Taylor III, Blair Brown, Steven N. Herman, and John H. Tinney, Jr., and also came the United States of America by Steven R. Ruby, Assistant United States Attorney for the Southern District of West Virginia, for hearing on the *Defendant's Motion to Exclude Time under the Speedy Trial Act, Re-set Motions Deadline, Vacate Trial Date, and Set Scheduling Conference* (Document 29).

The Defendant moves for a continuance on the grounds that: 1) discovery in the matter is voluminous, 2) additional time is needed to file pre-trial motions, and 3) additional time is needed for trial preparation. The Defendant further represents that the requested delay is not attributable to lack of diligent preparation or failure to obtain evidence or witnesses on the part of the Government, or to congestion of the Court's calendar.

After careful consideration, the Court finds that good cause has been shown for the requested continuance on the grounds that the Defendant needs additional time to prepare and file

his pre-trial motions and to prepare for trial. Given the reason for the postponement, the Court further finds that the ends of justice served by granting a continuance outweigh the public and Defendant's interests in a speedy trial.

Wherefore, the Court **ORDERS** that the motion (Document 29) be **GRANTED** and that the trial, previously scheduled for January 26, 2015, be **CONTINUED** as set forth below. The Court further **ORDERS** that the pretrial motions hearing, previously scheduled for January 6, 2015, before the Honorable R. Clarke VanDervort, be **CONTINUED** as set forth below.

Based on the aforesaid, the Court **ORDERS** that the case proceed as follows:

1. **Motions to Dismiss**: Any motions to dismiss shall be filed no later than **February 6, 2015**.
2. **Motions to Suppress**: Any motions to suppress shall be filed no later than **February 6, 2015**.
3. **Motions in Limine**: Any motions in limine shall be filed no later than **February 6, 2015**.
4. **Additional Pretrial Motions**: Any additional motions which the parties seek to have addressed at the pretrial motions hearing shall be filed no later than **February 6, 2015**.
5. **Pretrial Motions Hearing**: The pretrial motions hearing in this matter is scheduled for **March 3, 2015, at 10:30 a.m.**, in Beckley, West Virginia, before the Honorable R. Clarke VanDervort.
6. **Motions for Plea Hearing**: Any motion by either party seeking a plea hearing in this matter shall be filed no later than **April 6, 2015**.
7. **Voir Dire and Jury Instructions**: Proposed voir dire and jury instructions shall be submitted to the undersigned no later than **April 10, 2015**.

8. **Witness Lists**: Counsel shall provide a list of prospective witnesses to chambers for use in voir dire no later than **April 13, 2015**. Such list need not be served on opposing counsel.


9. **Jury Trial**: The trial of this matter is scheduled for **April 20, 2015, at 9:00 a.m.**, in Beckley, West Virginia, before the undersigned. Counsel should be prepared to select a jury **on the preceding Friday** if so ordered by the Court.

The Court specifically finds that a continuance of the trial date of approximately four (4) months, and an extension of the deadline for filing motions, is reasonable and sufficient to allow for adequate preparation for trial. To the extent Defendant requests that trial be scheduled a year from the return of the indictment, the Court finds no good cause to support such a schedule and **ORDERS** that the same be **DENIED**.

The Court finds that the time between January 26, 2015, and April 20, 2015, is excludable from the computation of time within which trial must commence, pursuant to 18 U.S.C. § 3161(h)(7).

The Court **DIRECTS** the Clerk to send a copy of this Order to Magistrate Judge VanDervort, to the Defendant and counsel, to the United States Attorney, to the United States Probation Office, and to the Office of the United States Marshal. Lastly, the Court **DIRECTS** the Clerk to docket this Order such that it is publicly available.

ENTER: January 5, 2015


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA